

(vi) Grounds of Rejection to be Reviewed on Appeal

- (A) Whether the invention, as claimed in claims 1, 2, 6, 10 and 11, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent Application Publication No. 2002/0033960A1 to Kazami in view of U.S. Patent 6,868,225 to Brown et al.
- (B) Whether the invention, as claimed in claims 7, 8 and 12, is unpatentable, under 35 U.S.C. 103(a) over Kazami in view of Brown et al., and further in view of U.S. Patent 6,628,963 to Chung.

(vii) Arguments

35 U.S.C. 103(a) states:

"(a)A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

(A) Whether Claims 1, 2, 6, 10 and 11 Are Unpatentable  
Over Kazami In View Of Brown et al.

The Kazami publication discloses an image recording apparatus and method in which image files are recorded on a recording medium, and in which monitoring means monitors the files on the recording medium and causes certain of the recorded files to be deleted by deleting means in accordance with certain criteria.

The Brown et al. patent discloses a multimedia program bookmarking system.

A.1 Claims 1, 10

The subject invention, as claimed in claims 1 and 10, includes the limitations "generating a first list of new content items to be stored, said first list being compiled by a user" and "uploading said first list to a server for selecting the new contents items to be downloaded to the user device".